



06-18-03

L. H. W. / Election
6.26.03

EXPRESS MAIL NO.: EV335855670US

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Young, et al.

Confirmation No.: 3847

Application No.: 09/996,265

Group Art Unit: 1648

Filed: November 28, 2001

Examiner: Brown, Stacey S.

For: METHODS OF ADMINISTERING/DOSING ANTI-RSV
ANTIBODIES FOR PROPHYLAXIS AND TREATMENT

Attorney Docket No.: 10271-048

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TECH CENTER 1600/2900**COMMUNICATION REGARDING THE FILING DATE ACCORDED TO THE
RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.142**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is respectfully submitted in response to the Postcard Receipt recently received by Applicants' representatives. The Postcard Receipt, a copy of which is attached hereto as Exhibit A, was incorrectly stamped by the United States Patent and Trademark Office ("USPTO") with a date of May 6, 2003. As demonstrated by the facts below, Applicants' representatives timely filed on May 5, 2003 in the USPTO by Express Mail Post Office to Addressee Service a Provisional Election Under 37 C.F.R. § 1.143 with Traversal, a Petition For Extension Of Time Under 37 C.F.R. § 1.136(a), and the Postcard Receipt. Accordingly, Applicants respectfully request that the USPTO correct its records to reflect the fact that these documents were timely filed on May 5, 2003.

On March 4, 2003, the USPTO mailed an Office Action in connection with the above-identified application. The time for response was set to expire one (1) month from the date of the Office Action, *i.e.*, on April 4, 2003, extendible under 37 C.F.R. § 1.136(a) to September 4, 2003 if accompanied by a petition for extension of time and the fees set in 37 C.F.R. § 1.17(a). In response to this Office Action, Applicants' representatives timely filed the following documents in the USPTO by Express Mail Post Office to Addressee Service under Express Mail Label No. EV 335855618 US on Monday, May 5, 2003:

- (1) a Provisional Election Under 37 C.F.R. § 1.143 with Traversal;
- (2) a Petition For Extension Of Time Under 37 C.F.R. § 1.136(a); and

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- (3) a yellow return postcard ("PostCard Receipt"), which on one side had an itemized list of the documents mailed on May 5, 2003, and Express Mail No. EV 335855618 US.

A copy of each of these documents is attached hereto as Exhibit B. In support of the fact that the above-identified documents were deposited with the United States Postal Service on May 5, 2003 using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EV 335855618 US, and thus, in accordance with 37 C.F.R. § 1.10 (a), the above-identified documents were filed in the USPTO on May 5, 2003, attached hereto as Exhibit C is a true copy of Express Mail Label No. EV 335855618 US stamped May 5, 2003 by the United States Postal Service. Accordingly, Applicants respectfully request that the USPTO correct its records to reflect the fact that the above-identified documents were timely filed in the USPTO on May 5, 2003. Further, Applicants respectfully request that this communication and the above-identified documents be entered into the file of this application. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

It is believed that there is no fee required for filing this communication since this filing arises as a result of an error by the USPTO. However, if payment of a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: June 16, 2003

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